Chapter 6

Open Space and Recreation

CHAPTER 6: Open Space and Recreation

A. Introduction

Residents of Stow recognize what a special place this is and how rare it is that, despite the increasing development pressure that has changed many surrounding communities, Stow has maintained a rural ambience. As evidenced by the recent Master Plan Survey, few resources are as highly valued by Stow residents as their open space.

"The Town's rural character" was the number one answer to the question "What do you like best about Stow?", and not surprisingly, preserving that character showed up recurrently on the question about what residents want to see in 2020. But how exactly can that priority be implemented? Agreeing on the importance of rural vistas and undeveloped fields and forests in which we can exercise, play with our children, meditate and admire nature is one thing, but what mechanisms are in place to ensure that the Town is able to act on that priority?

In 1968, Stow designated certain areas as recreation-conservation district zoning and defined its uses as "intended to protect the public health and safety, to protect persons and property against hazards of flood water inundation and unsuitable and unhealthy development of unsuitable soils, wetlands, marsh land and water courses; to protect the balance of nature, including the habitat for birds, wildlife, and plants essential to the survival of man; to conserve and increase the amenities of the Town, natural conditions and OPEN SPACES for education, recreation, agriculture, and the general welfare." This provides added protection for the Town's open spaces by restricting building near the zone and laying out the many ways that the designated areas can be used, ranging from farming and horticulture to cross-country ski trails and boat landings.

The responsibility for completing an Open Space and Recreation Plan (OSRP) lies with the Stow Conservation Commission (SCC). The SCC appointed an Open Space and Recreation Plan Committee, which worked with Stow's Open Space Committee to complete the Town's plan. The most recent version, released in June 2008, is an excellent document that contains a wealth of useful information and well conceived strategies for protecting open space in numerous areas. Go to http://www.stow-

ma.gov/pages/StowMA BComm/StowMA OpenSpace/index for details.

Seen as a critical tool for creating an inventory of a community's protected land and water areas and for identifying undeveloped parcels that are a priority for protection, an OSRP is valid if it has been accepted by the state and is updated every five years. By having a valid OSRP, which Stow does, a community also becomes eligible for grant programs offered by the DCS, many of which are specifically geared to land and water preservation.

While an OSRP is a critical factor to consider in making recommendations or decisions about how land and resources can best be deployed, the key challenge that this Master Plan must address, where open land is concerned, is how to reconcile the Town's high priority on open space with the responsibility to find ways to use available resources to meet emerging needs. Although the OSRP provides excellent guidance from the specific perspective of land preservation, there are other questions to consider as well. For example, how can we use existing land and water resources to meet the Town's needs as it grows but still avoid the overdevelopment that would dilute Stow's highly valued rural character? Not only personal preferences but also Department of Environmental Protection guidelines, Board of Health requirements, and the protection of land around wellhead areas need to factor in to these discussions.

Exploring how to accommodate these needs will be the focus of this chapter.

B. Vision

Our vision for open space and recreation lands is as follows:

Stow residents will continue to value their town's sense of community, rural character, open spaces, quiet, agricultural, small-town feel, with linkages of open space and trail networks providing opportunities for biking and hiking in addition to those provided by the Rail Trail.

Preservation and improvement of Stow's environmental resources and open spaces are important considerations when planning for Stow's future development. Environmental resources such as soils, groundwater, surface water, woodlands, marshes, wildlife and open space add to Stow's character and quality of life of its residents as well as provide recreational opportunities. As the Town grows, it will be important to increase the amount of protected open space so that residents can continue to enjoy the sense of openness and the rural character that initially attracted them to Stow.

The Open Space and Recreation Plan identified the following nine objectives for protecting land in Stow:

- 1. Protect agricultural lands to preserve and enhance Stow's agricultural base, and maintaining its viability for the long term.
- 2. Protect lands that provide areas for active and passive recreation including ball fields and trails.
- 3. Protect lands that link existing conservation holdings in Stow and surrounding communities.
- 4. Protect lands in areas of town currently underserved by protected open space.
- 5. Protect land with significant surface and ground water resources.
- 6. Protect land that will preserve Stow's small town nature.
- 7. Protect important natural habitats and wildlife corridors.
- 8. Protect important scenic vistas.
- 9. Protect land with significant historical or cultural resources.

The Master Plan Committee acknowledges the importance of these nine objectives, many of which mirror the goals in this chapter. These will be addressed in another section of this chapter.

C. Progress

Stow should be proud of the progress it has made to date in realizing some of the goals it set for itself in the last Master Plan ("Stow 2000"). In particular, the following goals from the last Stow 2000 have been successfully met.

- Additional lands have been permanently protected. The current Open Space and Recreation Plan as well as the Land Use Task Force Report recommend that one acre of land be protected for every one acre developed.
- Additional land for agriculture has been preserved with Agricultural Preservation
 Restrictions (APR) on both the Mosley and Tyler properties and two parcels of town
 owned land are being leased to a local farmer for agricultural purposes. One of these
 parcels consisting of six acres is a portion of the Snow property where our new
 recreation complex is sited. If this land is not farmed in the future, it could be used for
 any municipal purpose.
- Improved trail network within Stow.

Some progress has been made on several other goals, including acquiring easements on land needed for the Assabet River Rail Trail connections.

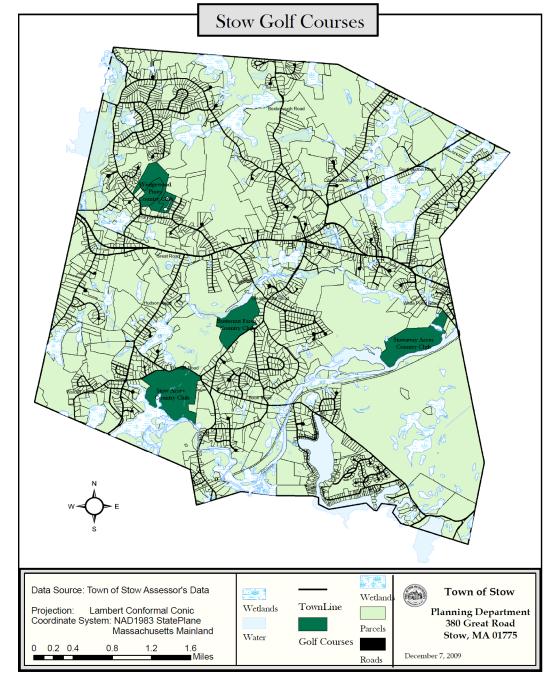
D. Golf Courses: What's in Their Future?

Within the Town of Stow lie five privately owned golf courses: Stow Acres North and South, Butternut, Wedgewood and Stowaway. Many residents understandably lump the golf courses into the category of open space, either consciously or subconsciously, because they do indeed provide open vistas of undeveloped land. However, it is important to remember that golf courses have no legal protections to ensure that they remain open space. If the commercial entities that owned the golf courses decided to close up shop, they could sell their land to any buyer they chose, just as any other landowner could do. A parcel that now represents a grassy stretch of land with 18 holes could be converted into a subdivision with numerous houses or a dense 40B development. The following data regarding zoning and development reflect the current status of each golf course. (Note that the abbreviation R/C denotes recreation/ conservation, and that MGL Chapter 61, 61A, and 61B are discussed in the section following the chart.)

Golf	Acreage	Current zoning	Desired outcomes	Notes	
course					
Butternut	91.34	Some Recreation	Active recreation, PCD residential dev. in interior	Currently	
Golf Club	acres	Conservation	of parcel with open space maintained along Rt. 62	enrolled in	
		mostly Residential		Chapter 61B	
Stow	328.06	Residential	Maintain open vistas along Randall Rd, PCD	Currently	
Acres	acres		residential dev. with homes in the interior portion,	enrolled in	
Country			recreation, open space	Chapter 61B	
Club					
Stowaway	110.50	Small portion	Entire parcel should be rezoned	Elizabeth Brook	
Golf	acres	Recreation	Recreation/Conservation as commercial portions	frontage. NOT	
Course		Conservation,	are separated by the R/C district; canoe/kayak	enrolled in	
		mostly Commercial	launch, wildlife habitat, passive and active rec.	Chapter 61B	11
Wedgewo	146.66	Recreation/	Wildlife habitat, passive and active rec. (playing	Currently	
od Pines	acres	Conservation	fields)	enrolled in	
		Stow Master I	Plan – Published October 2010	Chapter 61B	

8

FIGURE: 16 Golf Course Map



The Town should consider undertaking a golf course study to explore the desired outcome for each of these parcels. One option to consider is adoption of special zoning regulations for golf courses to guide the Town and the landowner if the time should come that they are no longer to be used as golf courses. For example, applying open space residential design (OSRD) zoning to the golf courses or establishing a new zone specifically for the golf courses, to allow more dense development than allowed in a PCD in exchange for additional open space and preservation of existing viewscapes, may be an appropriate strategy. OSRD is a "smart growth" principle that provides a method of planning residential development with the goal of conserving open land in a new subdivision. Traditional zoning bylaws requiring, for example, two-acre zoning were originally conceived of as a way of preventing overdevelopment, but these requirements have resulted in a very inefficient use of open space. With traditional zoning, parcels are quickly consumed by houses and lawns, leaving no individual lot with enough land for fields, meadows or forests. OSRD discards traditional zoning bylaws and instead imposes a four-step planning process that, in the words of the Green Neighborhoods Alliance of Massachusetts, "reverses the typical subdivision planning process. First, the open space is designated; second, the houses are sited; third the roads and trails are planned; and fourth, the lot lines are drawn."

In other words, houses are sited more densely in order to allow for larger swaths of unsullied land. This is typically done to allow no greater number of actual new units than a conventional subdivision but to require at least 50% of the land to remain as open space. The benefits to the environment of OSRD are myriad, and include lower water usage (less lawn space), fewer pesticides and chemicals utilized in manicuring lawns, fewer miles of roads for a municipality to maintain, more ground water recharge as impervious areas are reduced, and more. As mentioned above, designating the open space first, before determining where homes will be sited, is an idea worth considering.

In 1995, Stow adopted a Planned Conservation Development (PCD) bylaw, which is an OSRD zone but under different nomenclature. The PCD bylaw permits a reduction of lot dimensional requirements, thereby promoting clustered developments with 60% open land. The regulations provide for single-family and multi-family dwelling units, establish setbacks for building to public ways and property lines, and specify the dimensional requirements and allowed uses of the open land. MGL Chapter 40A Section 9 requires that the land be permanently protected as conservation or park land.

E. Farms, Orchards and Golf Courses: The Reach of Chapter 61

Land is acquired by the Town in various ways: negotiation with developers as part of the permitting process, Chapter 61, donation, tax foreclosure, and town purchase. Of these methods, only Chapter 61 and town purchase require a monetary exchange.

1. An overview of Chapter 61

Certain open land parcels can be classified under Massachusetts General Law Chapter 61 (forestry), 61A (agriculture) and 61B (open space/recreation), which allow for some privately held properties, including farms, orchards and golf courses, used for the stipulated purposes to receive reduced tax assessments in exchange for a promise to maintain the land for the specified use for a specified number of years. In Stow, this status currently applies to 2228.96 acres on 113 separate parcels of land. That represents 19.7% of Stow's total land acreage,

significantly higher than most communities. It is not, however, a surprising percentage when one considers Stow's predominately rural and agricultural makeup.

The statute requires that such a classification includes a commitment by the land owners to offer the Town the right of first refusal if the lands are ever sold for development or converted by the owner to another use. Towns can assign that right to a nonprofit land conservation agency if they so choose.

However, the "first refusal" clause can be somewhat difficult to execute as it requires that a decision be made within 120 days, and often it is challenging to convene a Town Meeting to approve the necessary funds within that time period. One way around this is for the Town to obtain prior approval to purchase key parcels if they become available. However, a source of funding would still need to be readily available, and the appropriation of funds must be done by the legislative body for the community, which in Stow's case is Town Meeting. Thus, it remains difficult for a municipality with a Town Meeting form of government to be able to act quickly on a land acquisition. Alternatively, it is possible for Stow to use CPA funds (with Town Meeting approval) or other accounts to set aside money into a land conservation fund¹⁸ to buy specified parcels of Chapter 61-protected land in the event that the land is put up for sale. Other financial resources available for the purchase of Chapter 61 land include public/private partnerships with nonprofit conservation groups such as Stow Conservation Trust (SCT), OAR (Organization for the Assabet River), and SVT (Sudbury Valley Trustees); and the Conservation Commission Conservation Fund.

In November 2008, the Selectmen adopted a comprehensive policy regarding sale of Chapter 61 properties; see Appendix. This policy set out procedures it will utilize when parcels become available but did not attempt to prioritize parcels of land the Town might wish to protect.

The Open Space and Recreation Plan includes a complete listing of properties with Chapter 61 status; see Appendix. The MPC recommends that the "Evaluation Criteria for Ranking Parcels" developed by the Open Space Committee and outlined in the OSRP from June 2008 be utilized in evaluating these parcels. The Open Space Committee is updating the Criteria for Ranking Parcels, and once this work is done will resume the ranking of parcels. This is an ongoing and very time-consuming process.

2. Recent changes to Chapter 61

Recent changes (provided by Chapter 394 of the Acts of 2006 and effective as of March 2, 2006) have clarified the existing law and addressed some problems but did not address other issues. The Town should work with our state representatives to proactively seek changes that adopt a more equitable compensation to the Town when rollback taxes are calculated. Rollback taxes should be based on the current appraised or offered value for the property, considering its new use, and be applied to any change in use, which may occur in the succeeding ten-year period from the time the property is removed from Chapter 61 tax protection. See the Appendix for the Land Use Task Force recommendations (#3 on banking of rollback taxes for future land purchases).

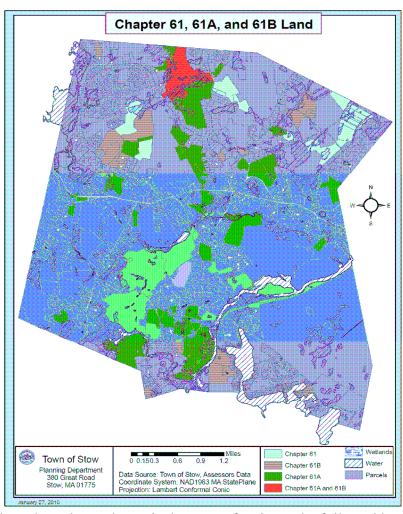
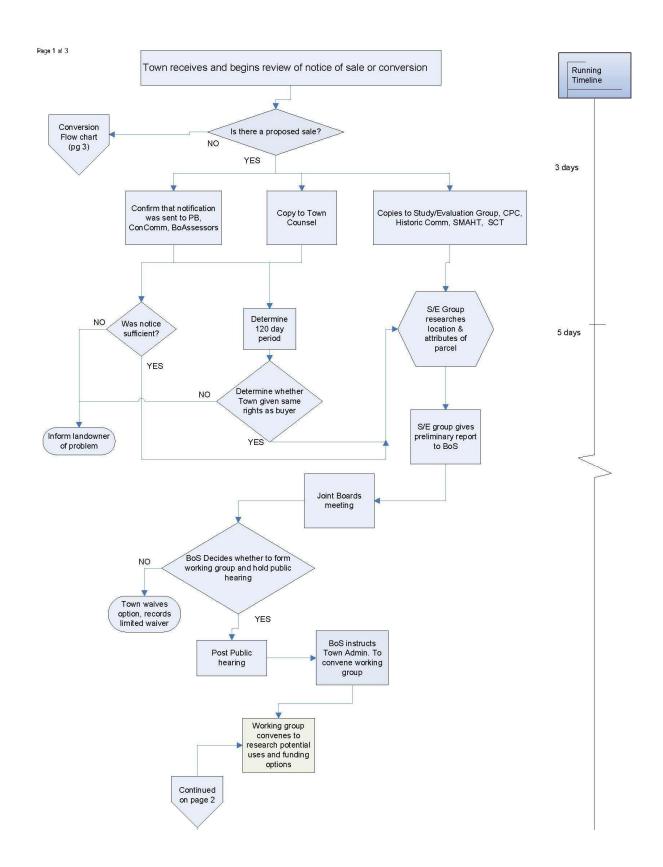
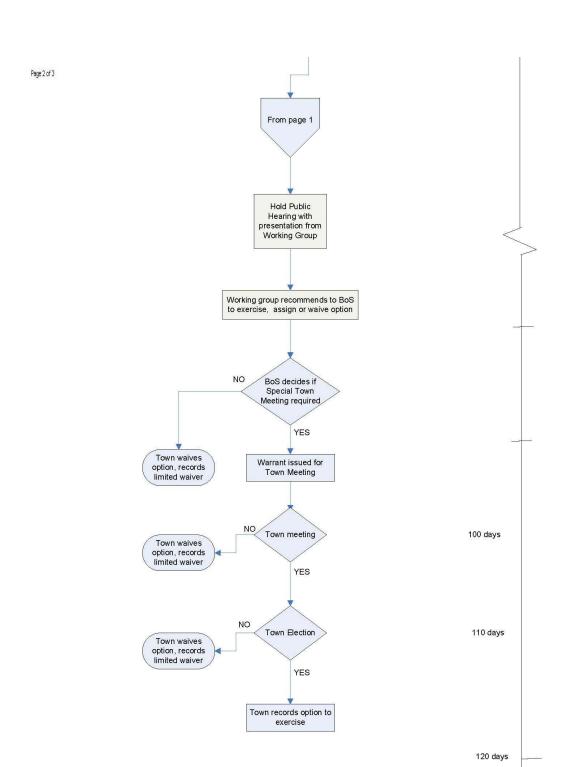


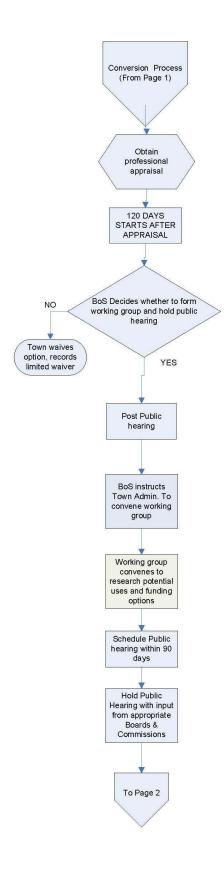
FIGURE: 17 Chapter 61, Chapter 61A & B Parcels in Town as of 2010

The following flow chart shows the typical course of action to be followed by the Town as lands are removed from Chapter 61. This procedure was adopted by the Board of Selectmen in November 2008 as a recommendation from the appointed Land Use Task Force.









F. "Right to Farm" Bylaw

In 2005, Stow adopted a "Right to Farm" General Bylaw (see http://tinyurl.com/2wew6ok) mirroring the regulations of MGL Chapter 40A, Chapter 90 and Chapter 128. The purpose of the bylaw is to encourage the centuries-old use of Stow's rich natural resources for the pursuit of agriculture as an economic opportunity and to minimize conflict with abutters and/or town agencies. For example, farms are more protected than other businesses or residences would be from complaints about odors, presence of animals, dust, noise, etc. The bylaw also serves as notification to potential property purchasers within town that the area is considered friendly to agriculture and that the small aforementioned inconveniences can accompany farming practices. Having this bylaw also helps the Town with its annual Commonwealth Capital scorecard and thereby improves Stow's ability to successfully compete for various state grants (see below).

G. Commonwealth Capital Program

For the past few years, Massachusetts towns and cities have benefited from the availability of the Commonwealth Capital Program, an initiative designed by state agencies to promote better land use choices through planning and zoning measures that are consistent with Sustainable Development Principles. The state encourages municipalities to implement these measures by using funding as an incentive.

Communities that have planned for land conservation and development and enacted zoning, subdivision and other regulations consistent with the state's Sustainable Development Principles (see Chapter 1) are more likely to receive financial assistance from the state. Over the past four years, this incentive has produced dozens of plans and hundreds of improvements to zoning and other local land use regulations. The Town of Stow was last certified in 2008. The MPC recommends that Stow work to continue to increase its Commonwealth Capital score as long as doing so would not result in a conflict with other desired goals.

H. Bylaws and Regulations to Protect Open Spaces

Bylaws and regulations are also in place to protect valuable, open space resources. The following bylaws and regulations can be found on the Town's website:

- Zoning Bylaw
- Wetlands Bylaw
- Planned Conservation Development (PCD) Bylaw: requires 60% open space
- Active Adult Neighborhood Bylaw: requires 30% open space
- Planning Board Rules and Regulations
- Board of Health Regulations
- Subdivision Rules and Regulations

Because the Town does not manage a public water supply or sewage system for residences, one negative by-product is that Stow's zoning promotes suburban sprawl. Our Board of Health and Zoning Bylaw require a minimum of 1½ acres to support an individual well and septic system. An expansive lot size is often needed in order to prevent the two systems, required on each lot, from coming into conflict with one another. It should be noted that the lack of town water and/or sewer helps to slow the build-out of Stow. The MPC recommends that the Stow Board of Health consider a bylaw, more restrictive than Title V, to require package treatments plants for parcels in the Water Resource Protection Overlay District. This would provide additional protection to ground water supplies and ground water recharge areas. One possibility to consider is the potential for an expanded public water supply if the Harvard Acres system is piped to the center of town. The MPC recommends the BOH investigate creating a bylaw that enables the Town to become more stringent than the standard Title V regulations, particularly in water resource protection areas to protect drinking water sources.

I. <u>Encourage Low Impact Development</u>

As part of the development process, we need to continue to promote Low Impact Development (LID) techniques in our Zoning Bylaw, Planning Board Rules and Regulations, and negotiations with developers. See Chapter 9 for more information on LID.

J. <u>Encourage Agricultural Based Businesses</u>

Early businesses within Stow were all resource-based, the resource being agriculture. We must encourage and support the small farms, orchards, and golf courses that embody our agricultural heritage today, along with their supporting businesses, such as farm stands and bed-and-breakfast establishments.

The December 2005 Special Town Meeting created the Stow Agricultural Commission to help preserve the rural character of Stow through the preservation and promotion of agriculture. The Commission will help keep Stow farms viable by promoting agriculture through educational literature, events, and articles. The Commission can act as a voice for agriculture in town government, helping to ensure that the various boards understand the impact of their actions on agriculture.

We encourage the creation of a town committee—perhaps the newly created Agricultural Commission working in cooperation with the Stow Conservation Trust—to focus on promoting Stow's "green" tourism potential, including the promotion of local products. For example, we can realize much potential in marketing "Stow apples" as a recognized "brand" in Massachusetts and New England markets.

K. Recreation

In terms of town planning, it is helpful to define two types of recreation: active recreation and passive recreation. Active recreation encompasses soccer fields, playgrounds, tennis courts, and indoor sports facilities; passive recreation refers to activities which are non-motorized, non-commercial, noncompetitive and require little or no modification to the natural landscape, such as trails for walking, biking and wildlife viewing.

1. Active recreation

Current active recreation facilities in Stow include Memorial Field, Pine Bluffs Recreation Area, Pine Bluffs Beach, Pompo upper field, Center School tennis courts, and the indoor gyms at the schools. The Stow Community Park on Old Bolton Road, our newest recreation complex, contains two basketball courts; two tennis courts; walking paths with exercise stations; two Little League 60-foot baseball fields; a large rectangular field for soccer, lacrosse or field hockey; a pavilion; and associated parking.

A report that the Recreation Commission submitted to the Land Use Task Force in March 2009 (see Appendix) examined the forecast for future needs in terms of both indoor and outdoor recreation as the Town moves closer to its maximum buildout. To accommodate the outdoor recreation needs, approximately 35 acres plus associated parking and storage will be needed. There remains a strong desire for enhancements to canoe/kayak access points to Lake Boon and the Assabet River; these have not been included in the 35-acre computation.

The Stow Recreation Committee recommends in its master plan construction of a multigenerational community center to include a swimming pool, two basketball courts, a fitness center, and a community gathering space. Such a multigenerational center would require adequate separate space for children and seniors alike. This would be a major financial investment, but nonetheless is something the MPC also endorses. In order to take initial steps toward creating such a center, the MPC recommends an ad-hoc committee be appointed by the Board of Selectmen. Public-private partnership opportunities should be explored at the onset of the project before a feasibility study is conducted.

2. Passive recreation

Because of its abundance of undeveloped land and natural space, the Town of Stow lends itself well to passive recreation opportunities. Those that are used frequently include the Assabet River National Wildlife Refuge (NWR), Captain Sargent Land, Delaney Project, Fieldstone, Flagg Hill, Gardner Hill/Town Forest, Heath Hen Meadowbrook Woodland, Kalousdian Land (OAR), Marble Hill, Marlboro-Sudbury State Forest, Pine Bluffs, Red Acre Woodland and Spindle Hill. The landlocked Corzine and Hale Woodlands properties will soon be accessible due to the donation of an easement fronting on Edgehill Road. Walking these lands provides the opportunity for exercise and enjoyment of the outdoors, including viewing a variety of animal and plant life. The open land parcels of the Derby Woods, Trefry Lane and Wildlife

Woods PCDs offer additional opportunities to enjoy the outdoors. The addition of sidewalks to the Town will increase mobility and walking/biking opportunities.

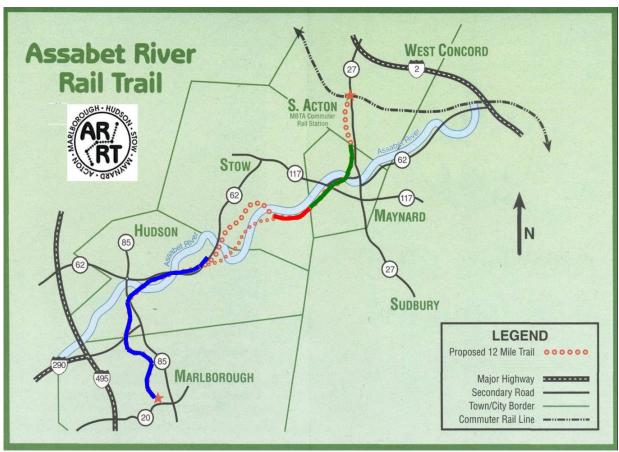
Opportunities to develop more passive recreation areas include the following, which are also discussed in Chapter 5:

a. Emerald Necklace

We need to continue work toward completing the Emerald Necklace walking trail of conservation land throughout the Town of Stow. We must identify and work to secure and protect easements over missing links in the Emerald Necklace and expand the network to Southwest Stow. Where appropriate, specifics are described in the Open Space and Recreation Plan (on file in the office of the Conservation Commission).

b. Assabet River Rail Trail

The Assabet River Rail Trail is now a reality in adjoining communities. Stow is the missing link. We need to identify the financial issues, the concerns of current landowners, and the possibilities for action to complete the rail trail in Stow and connect to the rail trails in our neighboring towns.



The completed 6 miles of the trail in Marlborough and Hudson are in green. The section in red is the proposed trail in Stow, Maynard and Acton. The two green sections in Maynard and one in Stow are walkable, but not paved yet.

c. Assabet River

The river is popular for canoeing and kayaking; thus, opportunities to create small boat launch facilities should be explored. The health of the river is constantly threatened by pollution from the wastewater treatment facilities in several neighboring towns. The Town should work collaboratively with the Organization for the Assabet River (OAR) to help protect and improve the river. The Army Corps of Engineers' recently completed Sediment and Dam Removal Feasibility Study on the Assabet River has many potential negative implications for Stow. These include altering the river as it flows through Stow, which would result in lowering the water level, causing a loss of critical water source for farming, golf courses, orchards, fire protection and recreation as well as possible secondary effects on Lake Boon and surrounding shallow wells. The Town has responded to Mass DEP in opposition to dam removal and will continue to closely monitor this situation.

d. Crow Island

The privately owned Crow Island presents attractive options for the Town as a recreational parcel and general access to the Assabet River, and as a link to the Rail Trail, Assabet River National Wildlife Refuge, and Stow's Emerald Necklace. We need to identify the issues and

opportunities in acquiring Crow Island. We should be proactive in negotiating the purchase of Crow Island for conservation and recreational purposes.

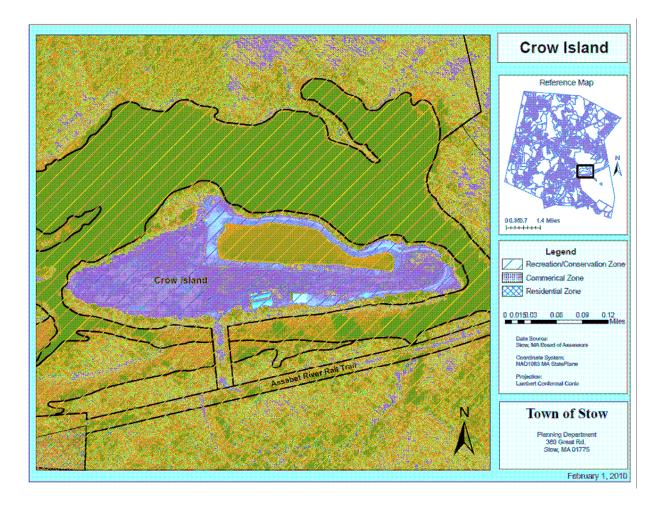


FIGURE: 18 Crow Island photo and parcel map

e. Lake Boon

Lake Boon provides many recreational opportunities including boating, swimming and wildlife viewing. Pine Bluffs and the Town Beach area continue to experience erosion and sedimentation issues that will continue to need to be addressed. A much more detailed exploration of the challenges regarding preservation of Lake Boon appears in Chapter 5.

L. Needs

It is critical that all interested parties participate in educating Stow residents as to the benefits that open space provides to the entire community. As stated in the OSRP, the perception that

Stow has a lot of open space is misleading, as 70% of the land in town appears green and open but less than half of that has legal protections to ensure it remains open space.

GIS mapping was used to determine that approximately 30% of the land in Stow has been developed, approximately 30% of the land has been protected, and approximately 40% is potentially available for development. How we choose to utilize this remaining 40% of land in town will forever affect the character of Stow. If we are serious about protecting our "rural character," we must make a concerted effort to do so now.

The OSRP recommends that one acre of land be protected for each acre that is developed in the future. The Land Use Task Force, in their final report, supported this recommendation; the Master Plan Committee supports the 1:1 recommendation of the OSRP. This means that approximately one-half of the potentially developable remaining 40% will be permanently protected. In addition, as requests for development come before the Planning Board, consideration will be given to LID designs and protected open space.

The evaluation criteria for ranking parcels developed by the Open Space Committee will be useful in determining which parcels should be protected. This will be an ongoing process with various town boards and committees. This is an impressive goal, but one that cannot be met without a concerted effort to encourage development to occur on the most suitable parcels, while preserving those with the highest resource value.

Providing permanent protection to land in the Southwest quadrant of Stow, where there are 600 acres of undeveloped and unprotected land as well as two large golf courses with an additional 420 acres, is critical to preserving the "town's rural character" and open space. As this area of town has the least amount of permanently protected land and a large amount of undeveloped land, it will continue to be vulnerable to development.

M. Action Items

The MPC has identified the following goals and action items to address in regard to open space and recreation.

- Protect lands that will preserve Stow's "rural character."
- Complete the Rail Trail by linking existing trails.
- Implement a Golf Course Study with a goal to protect existing scenic vistas and evaluate the preferred method of future development on those parcels.
- Identify issues and opportunities for recreation on, and additional conservation of Crow Island.

- Protect and preserve the health of Lake Boon.
- Protect Open Space in Southwest Stow.
- Acquire and preserve land for future active and passive recreation needs.
- Expand recreation/conservation district zoning to establish Wildlife Habitat corridors which will ensure the continued movement of wildlife as lands are developed. These important parcels should be protected with conservation restrictions.
- Change Planned Conservation Development bylaw to require that the open space be designated prior to determining where the homes will be sited.
- Implement a new bylaw requiring sewage package treatment plants for parcels in the Water Resource Protection District.
- Complete the Stow Emerald Necklace by linking or creating trails.
- Formulate a Demolition Delay Bylaw and evaluate areas of town for implementation.
- Educate the public on the benefits of open space.
- Foster pedestrian mobility through the implementation of sidewalks and other planning strategies.
- Limit the alteration of trees and stonewalls along Stow's scenic roadways by adopting the Scenic Roads Preservation Bylaw.
- Obtain prior Town Meeting approval to purchase key open space parcels when they become available.
- Appoint a committee to explore building a mutigenerational community center.